

Notice of Allowability

Application No.

10/687,108

Examiner

JULIE A. SZPIRA

Applicant(s)

KAISER ET AL.

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final amendment submitted 10/26/2011.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
3. ☐ The allowed claim(s) is/are 15,16,19-21,24-27,32-35,37-41,43 and 46.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 12/1/2011.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/J. A. S./
Examiner, Art Unit 3731
December 1, 2011

/S. Thomas Hughes/
Supervisory Patent Examiner, Art Unit 3731

DETAILED ACTION

Response to Arguments

1. Applicant's amendments and arguments, filed 10/26/2011, with respect to claims 15, 16, 19-21, 24-27, 32-35, 37-41, 43 and 46 have been fully considered and are persuasive. The rejection has been withdrawn.

Allowable Subject Matter

2. Claims 15, 16, 19-21, 24-27, 32-35, 37-41, 43 and 46 are allowed.

The following is an examiner's statement of reasons for allowance.

In regards to independent claims 15, 35 and 41, as well as the claims that depend therefrom, the prior art of record does not disclose or fairly suggest a motivation to combine a device for harvesting a bone core, inter alia, wherein the device comprises a collet assembly having a sleeve, a collar and a harvester. The sleeve, collar and harvester all have throughbores that extend completely through the component. The harvester assembly is disposed within the sleeve and encompasses a portion of the collar assembly, thus aligning the throughbores the harvester, the collar and the sleeve. The connection between the harvester and the collet assembly is a quick release mechanism that is aided by a compression spring and a locking pin. This device operates with a motor that drives the harvester to core a bone.

In regards to independent claim 27, as well as the claims that depend therefrom, the prior art of record does not disclose or fairly suggest a motivation to combine a method for harvesting a bone core, inter alia, wherein the method utilizes a device having a harvesting member, a collet assembly being quick release for connection with

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the harvester and the harvester is driven into bone by an external force, with the force being a drill motor or striking force. The method further comprises driving the harvester into a bone, trapping a portion of the bone within the harvester and removing the portion of bone from the device through a throughbore that extends through the harvester and the collet assembly when the harvester and collet assembly are interconnected.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Szpira whose telephone number is (571) 270-3866. The examiner can normally be reached on Monday-Friday, 10AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, Tom Hughes, at (571) 272-4357. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If there are any inquiries that are not being addressed by first contacting the Examiner or the Supervisor, you may send an email inquiry to:

TC3700_Workgroup_D_Inquiries@uspto.gov.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. A. S./
Examiner, Art Unit 3731
December 1, 2011

/S. Thomas Hughes/
Supervisory Patent Examiner, Art Unit 3731